

IATSE Local 635 Discrimination and Harassment Policy

IATSE Local 635 fundamentally believes that a proper work environment should be a place where individuals can live and work together with mutual respect and tolerance. Each person has the right to feel equally comfortable and secure in a work environment as they do in her or his own home. To guarantee this right, each member regardless of position is required to be responsive to another member's needs for safety, security, and comfort within the working environment. In accordance with this belief, Discrimination and Harassment, by an individual or group, toward another individual or group is absolutely unacceptable.

Hostile Environment : An Environment which unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive living or working environment.

Resistance: An act of making an individual's working or living environment more difficult by hostilely reacting to that individual's request, comment, or suggestion.

Discrimination: An act of denying or inhibiting a member or group from full participation in house or corporate operations on the basis of race, gender, religion, sexual orientation, class, national origin, political belief, age, veteran status, physical trait, or physical or mental disability.

Discrimination, based on the aforementioned criteria, includes but is not limited to the following:

- Denying membership or employment to an individual
- Denying full participation to a member.
- Revoking the membership or employment of an individual.
- Retaliating against a member for his/her stance on a house decision or for filing a charge against another member.
- Denying a position to a member either appointed or elected.

Such action may result in a Member Review or termination from membership in IATSE Local 635.

If a member is unable to perform the duties a labor position requires or person is unable to perform part of his or her job on the basis of physical or mental disability, religion, physical trait, race, gender, sexual orientation, class, national origin, political belief, age, or veteran status, the Local will do its best to find or alter a position to help the individual to fit into the work environment.

IATSE Local 635 will use whatever financially feasible means or other (i.e. building ramps, providing interpreters for the hearing impaired, etc.), to make the organization accessible to disabled members.

Harassment

General Harassment is unwelcome behavior toward another member or group on any basis including that of race, gender, religion, sexual orientation, class, national origin, political belief, age, veteran status, physical trait, or physical or mental disability, which promotes an intimidating, hostile, or offensive working or living environment. It need not be intentional or persistent, but these factors may affect the severity of the charge. Such behavior may result in a Member Review or termination from membership to IATSE Local 635.

Examples of general harassment include, but are not limited to, the following:

- Acts of physical aggression, intimidation, hostility, or unequal treatment on any basis.
- Derogatory comments, notes, remarks, jokes, pictures, epithets, depiction's, or items that create an uncomfortable or hostile environment. Sexually oriented conversations or the use of sexually explicit language does not in and of itself constitute harassment unless their actions create a hostile or uncomfortable environment.
- Verbal harassment, abuse, or threats on any basis.

Sexual Harassment - Due to the prevalence of sexual harassment in our society and the lack of clarity on the definition of the term, a more detailed and descriptive definition of sexual harassment is provided. Sexual Harassment may include, but is not limited to the following:

- Acts of physical aggression, intimidation, hostility, or unequal treatment based on gender or sexual orientation.
- Derogatory notes, jokes, gestures, comments, or remarks that are gender-based (not necessarily sexual), sexual comments, pictures, or items (i.e. sex toys, magazine, etc.) which create an uncomfortable or hostile environment
- Unwelcome propositions, suggestive comments, or demands of a sexual nature.
- Unwelcome solicitation or coercion of sexual activity or other sex-linked behavior by promise or rewards or threat of punishment or revocation of membership.
- Remarks, epithets, jokes, or slurs regarding sexual orientation or activities that create a hostile environment.
- Unwanted and/or unsolicited touching (i.e. hugging, back rubs, etc.)
- Unwelcome subtle pressure for sexual activity (physically touching, patting, pinching, brushing against another's body, etc.) Mode of dress or undress does not in and of itself constitute harassment unless it creates unwelcome subtle pressure for sexual activity.
- Sexual assault ranging from unwanted sexual conduct (i.e. touching one's private parts, etc.) to rape.

Use of sexually explicit language, dressing provocatively, or engaging in sexually oriented conversations will not be considered valid reasons for an individual to be considered sexually harassed.

Procedure for Members who Experience Discrimination or Harassment

- a. A member who experiences discrimination or harassment should tell the accused that the behavior was unwelcome and document the incident.

- b. The accuser should notify the Business Representative and/or the Steward on Call immediately. The accuser will be required to prepare a written list of charges in the form of a sworn affidavit, reciting clearly the offense charged, the name of the accused, the time, place and nature of the violation, over the signature of the accuser, together with a statement of the names of all witnesses to the offenses charged who shall be known to the accuser.
- c. The Business Representative and/or the Steward on Call must present the accused with the complaint after conferring with the accuser and any possible witnesses present. If the Business Representative is unable to present the accused within a reasonable period of time (within 48 hours), the Steward on Call or another Local 635 Officer must present the complaint.
- d. If the Business Representative or the Steward on Call is the accuser or is the accused, the accuser should notify another Officer.
- e. When a member has been accused of five (5) or more incidents of sexual harassment, he or she may be subject to a review. If the initial incident is severe enough, the accuser may request for review proceedings to begin immediately.
- f. Charges shall be filed in duplicate, but only the original need bear the seal of the Notary Public before whom the affidavit was sworn.
- g. Charges shall be filed with the Secretary of the local union within 60 calendar days after the offense becomes or should have become known to the person making the charge.
- h. Charges filed shall be administered in strict accordance with the provisions of Article Eleven of the Constitution and Bylaws of IATSE Local 635.

Sources

- ◇ 18 U.S.C. section 2241-2245, Crimes and Criminal Procedure, Chapter 109A - Sexual Abuse
- ◇ EEOC Compliance Manual, Notice #N-915-050, Policy Guidance on Current Issues of Sexual Harassment
- ◇ Civil Rights Act of 1964
- ◇ Americans with Disabilities Act
- ◇ The Law of Equal Employment Opportunity by Stephen Shulman and Charles Abernathy, (1990)
- ◇ Employment Discrimination Law and Litigation, Volume I by Merrick T. Rossein, (1990)
- ◇ Katz v. Dole, 709 F.2d 251 (1983)
- ◇ Henson v. City of Dundee 682 F.2d 897 (1982)
- ◇ Constitution & Bylaws of the IATSE Local 635 (1997)